

AMENDED IN SENATE MAY 17, 2005

AMENDED IN SENATE APRIL 27, 2005

AMENDED IN SENATE MARCH 9, 2005

SENATE BILL

No. 126

Introduced by Senator Runner

January 31, 2005

An act to amend Section 53158 of, and to add Section 53152.3 to, the Government Code, relating to emergency services.

LEGISLATIVE COUNSEL'S DIGEST

SB 126, as amended, Runner. Emergency services: liability.

Under existing law, it is a crime for any person who, while operating a motor vehicle and with the intent to evade, willfully flees or otherwise attempts to elude a pursuing peace officer's motor vehicle, if certain conditions exist. Additionally, it is a crime if a person flees or attempts to elude a pursuing peace officer and the pursued vehicle is driven in a willful or wanton disregard for the safety of persons or property. It is also a crime whenever willful flight or attempt to elude a pursuing peace officer causes death or serious bodily injury to any person.

This bill would impose liability, not to exceed \$12,000 per incident, upon any person who is convicted of violating any of the above described provisions and whose actions proximately cause any incident that results in an emergency response, *as specified*, for the expense of the emergency response by a public agency. The bill would provide that a public agency would not receive reimbursement pursuant to these provisions until after restitution has been made to any victim of the incident.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 53152.3 is added to the Government
2 Code, to read:

3 53152.3. Any person who is convicted of violating
4 subdivision (a) of Section 2800.1 of, or Section 2800.2 or 2800.3
5 of, the Vehicle Code and whose actions proximately cause any
6 incident that results in an emergency response shall be liable for
7 the expense of the emergency response by a public agency, *as*
8 *ordered by a court at the restitution hearing following conviction*
9 *pursuant to Section 1202.4 of the Penal Code. An “incident that*
10 *results in an emergency response” under this section shall not*
11 *include the pursuit or attempted apprehension of a person who is*
12 *fleeing or attempting to evade a peace officer or any incidents*
13 *that precede that pursuit or attempted apprehension.*
14 Notwithstanding Section 53155, in no event shall a person’s
15 liability under this section for the expense of an emergency
16 response exceed twelve thousand dollars (\$12,000) for a
17 particular incident. A public agency shall not receive
18 reimbursement pursuant to this section until after restitution has
19 been made to any victim or victims of the incident.

20 SEC. 2. Section 53158 of the Government Code is amended
21 to read:

22 53158. It is not the intent of the Legislature, in enacting this
23 article, to occupy the field of recovery of the expense of an
24 emergency response by a public agency, nor is it the intent of the
25 Legislature to preempt local regulations or to otherwise limit the
26 remedies available to any public agency to recover the expenses
27 of an emergency response to any incident not involving persons
28 who operate a motor vehicle, a boat or vessel, or a civil aircraft
29 while under the influence of an alcoholic beverage or any drug,
30 or the combined influence of an alcoholic beverage and any drug,
31 or to any incident not involving a person convicted of violating
32 subdivision (a) of Section 2800.1 of, or Section 2800.2 or 2800.3
33 of, the Vehicle Code. It is the intent of the Legislature that the
34 recovery of the expenses of an emergency response under this

- 1 chapter shall supplement and shall not supplant any other
- 2 provisions of law relating to the recovery of those expenses.

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